

Notice of Allowability

Application No.

10/036,919

Examiner

Vivian Chen

Applicant(s)

HEFFELFINGER ET AL.

Art Unit

1773

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--
All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS. This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the after-final filed 12/18/2003.
 2. ☒ The allowed claim(s) is/are 20-23,25-32 and 34-36.
 3. ☐ The drawings filed on _____ are accepted by the Examiner.
 4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- * Certified copies not received: _____.
5. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
 - (a) ☐ The translation of the foreign language provisional application has been received.
 6. ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

7. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ Including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No. _____.
 - (b) ☐ Including changes required by the proposed drawing correction filed _____, which has been approved by the Examiner.
 - (c) ☐ Including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the margin according to 37 CFR 1.121(d).

9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| <input type="checkbox"/> Notice of References Cited (PTO-802) | <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | <input checked="" type="checkbox"/> Interview Summary (PTO-413), Paper No. 1/14/04. |
| <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB-08), Paper No. _____ | <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | <input type="checkbox"/> Other |

Vivian Chen
Primary Examiner
Art Unit: 1773

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Simmons on 1/14/2004.

2. INTERVIEW SUMMARY

After consideration of Applicant's arguments presented in the After-Final filed 12/18/2003, the Examiner agreed that the Specification as originally filed (and specifically the Examples and Tables) provides support for the recited mechanical property ratios, but only for the ranges specifically calculated from the Examples. Mr. Simmons agreed to amending the claims to conform to the calculated values as being supported by the Examples and cancelling redundant claims. Mr. Simmons also agreed to specifying the basis of the syndiotactic polypropylene content in the core layer in claims 20, 34 as a percentage by weight, as implied by the specification which consistently utilizes weight-based percentages throughout.

3. The application has been amended as follows:

Claim 20,

line 3, "90%" has been changed to --90 wt%--;

last line, "1.5" has been changed to --1.53--;

last line, "2.0" has been changed to --1.95--.

Claim 22,

line 4, "2.3" has been changed to --2.4--.

Claim 24 has been cancelled.

Claim 25,

line 1, after "claim", "24" has been changed to --23--.

Claim 26,

line 4, "2.3" has been changed to --2.2--.

Claim 30,

last line, "1.5" has been changed to --1.53--;

last line, "2.0" has been changed to --1.95--.

Claim 31,

line 4, "2.3" has been changed to --2.4--.

Claim 32,

line 4, "2.3" has been changed to --2.2--.

Claim 33 has been cancelled.

Claim 34,

line 3, "90%" has been changed to --90 wt%--;

next to last line, "1.5" has been changed to --1.53--;

last line, "2.0" has been changed to --1.95--.

Claim 35,

line 5, "2.3" has been changed to --2.4--.

Claim 36,

line 5, "2.3" has been changed to --2.2--.

Claim 37 has been cancelled.

Art Unit: 1773

In the specification,

page 1, line 2, after "1999", --, abandoned-- has been inserted.

4. The following is an examiner's statement of reasons for allowance:

The prior art of record fails to disclose or suggest biaxially oriented multilayer films containing a base layer of syndiotactic polypropylene; and at least one surface layer of specified polymers, wherein the film has the recited ratio of TD modulus to MD modulus, in view of the effective US priority date (3/17/1999) of the present claims. The WILKIE references fail to disclose core layers of syndiotactic polypropylene; BOTHE ET AL '394 and BALAJI ET AL fail to disclose the recited modulus ratios.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Art Unit: 1773

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vivian Chen whose telephone number is (571) 272-1506. The examiner can normally be reached on Monday through Thursday from 8:30 AM to 6 PM. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Thibodeau, can be reached on (571) 272-1516. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-1700.

January 14, 2004



Vivian Chen
Primary Examiner
Art Unit 1773